

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FRONTIER AIRLINES, INC.

Case No.: 1:20-cv-09713-LLS

Plaintiff,

v.

AMCK AVIATION HOLDINGS IRELAND LIMITED, ACCIPITER INVESTMENT 4 LIMITED, VERMILLION AVIATION (TWO) LIMITED, WELLS FARGO TRUST COMPANY, N.A., solely in its capacity as OWNER TRUSTEE, and UMB BANK, N.A., solely in its capacity as OWNER TRUSTEE,

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Defendants.

**JOINT PROPOSED AMENDED SCHEDULING ORDER****I. CONFERENCE OF COUNSEL**

David G. Hosenpud, counsel for plaintiff, and Jeff Butler, counsel for the defendants, having met and conferred, submit the following proposed amended scheduling order.

**II. CONCISE STATEMENT OF THE ISSUES**

This dispute arises out of the parties' negotiations over a request by Plaintiff Frontier Airlines, Inc. ("Frontier") for a deferral of rent on certain aircraft leases. The parties disagree about the nature and content of those negotiations. Following those negotiations, Defendant AMCK Aviation Holdings Ireland Limited ("AMCK") terminated a March 2020 Framework Agreement with Frontier. Frontier seeks damages for defendants' alleged anticipatory repudiation and breach of the Framework Agreement, breach of aircraft lease agreements, violation of covenants and duties, and fraud, and contends that defendants were estopped from issuing the notice of termination. Defendants deny Frontier's claims, contend that the termination of the

Framework Agreement was valid based on an alleged default by Frontier, and dispute plaintiff's entitlement to relief. Defendant AMCK has counterclaimed for attorney fees and other litigation expenses in connection with Frontier's alleged default.

### III. SCHEDULE

#### A. Depositions.

Depositions have been completed in this matter.

#### B. Remaining Discovery Schedule.

The schedule below sets forth the remaining discovery deadlines.

Description	Proposed Deadline
Plaintiff's Expert Report	September 9, 2022
Defendant's Expert Report	October 7, 2022
Expert Depositions	October 28, 2022
Dispositive Motions	November 11, 2022
Responses	December 9, 2022
Replies	December 30, 2022
Plaintiff to supply pre-trial order material to defendants	Thirty days following ruling on any dispositive motions, or if no party files a dispositive motion, <u>Nov. 21, 2022</u>
Pre-trial Order	Forty-five days following the date Plaintiff supplies the pre-trial order material to defendants <u>January 10, 2023</u>
Pre-trial Conference	<u>January 13, 2023 at 12 noon</u> LLS

#### C. Discovery Plan.

1. **Limitations placed on discovery, including any protective or confidentiality orders.** The Court has entered a Stipulated Protective Order Regarding Confidential Information and Documents.

2. **Discovery issues.** None at this time.
3. **Production of documents.** See above.
4. **Anticipated fields of expert discovery.** Frontier currently anticipates expert testimony on matters relating to damage assessment and calculations. Defendants currently anticipate offering rebuttal expert testimony on any of the foregoing.

**D. Anticipated length of trial; court or jury trial.**

The parties estimate the trial will last 5-6 days. The parties request a bench trial. This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

DATED: July 11, 2022

**LANE POWELL PC**

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*Attorneys for Plaintiff, Frontier Airlines, Inc.*

DATED: July 11, 2022

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APPROVED.

DATED: July 11<sup>th</sup>, 2022

Louis L. Stanton  
United States District Judge